REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-7 and 16-21 have been canceled after having been withdrawn due to a restriction requirement. Claims 8-12 have been amended in this amendment. No new matter has been added.

Claims 1-21 stand subject to restriction requirement. Claims 8, 9 and 11 stand rejected under 35 U.S.C. § 101 as allegedly lacking utility. Claims 8-15 stand rejected under 35 U.S.C. § 102(b) based on U.S. Patent Application Publication no. 2004/0093555 of Therrien et al. ("Therrien").

Restriction Requirement

In response to the restriction requirement, Applicants elect the Group II claims (8-15) without traverse. Non-elected claims 1-7 and 16-21 have been canceled.

Section 101 Rejection

Claims 8, 9 and 11 stand rejected under 35 U.S.C. § 101 as allegedly lacking utility. It is noted that the Examiner has *not* rejected the claims for failure to recite patentable *subject matter*; rather, the rejection as stated is for lack of *utility*.

Applicants respectfully submit that this rejection is clearly in error. It is evident, from even a cursory review of the description, that the claimed invention has utility. The Examiner asks, "The application states that the replication policy is cloned, but how the duplicate data [*sic*] presents the useful result? In a majority of cases the duplication of a file on the same storage

device is unwanted because it is considered redundant and it occupies more space than necessary." Office Action, p. 4.

First, contrary to the Examiner's assumption, the claims do *not* require that policies be duplicated "on the same storage device."

Second, from the Examiner's question it appears that the Examiner has not made a genuine attempt to read and understand the description. It is self-evident that the ability to automatically clone a replication policy is useful, at least because it avoids having to manually duplicate policies when the same policy applies to multiple replication relationships; manually duplicating policies in that situation would be very burdensome in a very large system with many storage servers and many replication relationships. In addition, the Examiner's attention is directed to paragraphs [0005], [0016], [0024] and [0051] – [0052] of the specification, which further highlight the motivations for, and the advantages of, the invention.

Furthermore, to the extent the Examiner may have intended to make a statutory *subject matter* rejection (as opposed to lack of *utility*), Applicants respectfully submit that the invention as claimed provides a concrete, tangible and useful result. The "useful" aspect is discussed above. Further, the claims as amended recite *allowing the user to apply the cloned replication policy to a selected one or more of the plurality of data replication relationships* (or similar language), which is a concrete and tangible result. Therefore, the claims clearly define statutory subject matter.

Therefore, Applicants respectfully submit that the rejection under section 101 should be withdrawn.

Section 102 Rejection

Claims 8-15 stand rejected under 35 U.S.C. § 102(b) based on Therrien. Applicants respectfully traverse the rejections. The amendments to the claims are made only to correct minor informalities. The amendments are not made in response to the rejections or to comply with any statutory requirement of patentability, since no such amendments are believed to be necessary.

Contrary to claim 12, Therrien does not disclose or suggest allowing a *user* to clone a selected data replication policy, wherein the cloned replication policy has identical attributes to the selected replication policy, but a different name; and allowing *the user* to apply the cloned replication policy to a selected one or more of the plurality of data replication relationships.

Therrien does disclose a user interface that allows a data protection policy to be *specified* (e.g., Figure 4). Therrien also discloses, "The protection policies are stored and replicated across multiple repositories, and they are cached and regularly updated within each fileserver in the protection policy cache 34" (para. [0069]). However, Therrien does not disclose or suggest anywhere that the user interface of Figure 4 (or any other user interface) is used for replicating *policies*.

Note that *policies* must be distinguished from other types of data. In Therrien, as well as in the present invention, *policies* are a type of *control* data, which are used by the system to manage automatic replication of *other* data, i.e., "real" data or "user" data. Hence, the replication of *policies*, as disclosed in the above-quoted sentence in para. [0069] of Therrien, is not the same thing as, and should not be confused with, the replication of other types of data, such as user files. Besides the one sentence quoted above in para. [0069], Applicants do not find any other disclosure in Therrien relating to replication of *policies*.

With this in mind, what Therrien appears to be disclosing in the above-quoted sentence in para. [0069] is the *automatic* (not user-initiated) replication of policies at different file servers presumably *for purposes of reducing network latency* (no other reason is evident), i.e., each file server has a local copy of the applicable policies rather than having to access a central database of policies over the network. That has nothing to do with the present invention, which is directed to making it easier *for a user* (e.g., a storage network administrator) to manage data replication policies. In contrast with the present invention, Therrien does not disclose or suggest that there is any *user involvement* in or *initiation of* the process of replicating *policies*. The present invention allows a *user* (e.g., a storage network administrator) to cause a data replication policy to be cloned and applied to a replication relationship. Therrien does not disclose or suggest such functionality.

For at least these reasons, claim 12 and the claims which depend on it are patentable over the cited art.

Claim 8 includes similar limitations and is therefore also patentable along with its dependent claims for similar reasons.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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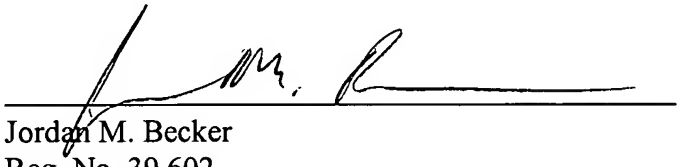

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